

areas at issue and which, in any event, True Wireless cannot afford to do), customers would have to go from paying, for example, \$1 per month to \$26 per month for their wireless service. As a result, for the low-income communities we serve, as noted above, many will be forced to cut their service altogether—thereby losing the “lifeline” to the outside world that this federal program was designed to provide.

20. In addition, the immediate and substantial loss of revenue will force True Wireless to stop marketing and offering Lifeline service in the newly “non-Tribal” areas—(1) causing a further decrease True Wireless’s revenues, and (2) reducing the availability of critical services to True Wireless’s low-income customers in the affected areas.

21. Thus, under even the best case scenario, allowing the FCC’s regulatory change to the Oklahoma map to take effect while this litigation (which will take many months) proceeds would very likely force True Wireless out of business.

2. *While It is Able to Remain In Business, True Wireless Will Be Forced to Let Employees Go and Close Stores.*

22. Moreover, even during the short period of time that True Wireless is able to remain a going concern if the new Oklahoma map takes effect, the Order will impose irreparable harm.

23. True Wireless has made several substantial business decisions and investments in reliance on the use of the current Tribal land designations. Most significantly, True Wireless changed its domicile from Texas to Oklahoma in 2014 to actively pursue opportunities created by the Tribal Lifeline Benefits program.

24. True Wireless has also opened eight stores in Oklahoma. At least [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL] of those stores are located in areas the Order excludes from eligibility for Tribal Lifeline Benefits. True Wireless would likely be forced to close at least those [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL] stores immediately if the new map takes effect. Moreover, based on our financial model, closing those stores would put the viability of our other stores in jeopardy as well.

25. I also expect that True Wireless will be forced to let go nearly [START OF CONFIDENTIAL] [REDACTED] [END OF CONFIDENTIAL] of our workforce in Oklahoma immediately if the Oklahoma-related provisions of the Order are not suspended pending judicial review.

3. *True Wireless Will Be Forced to Cut Back Services and Halt Any Service Enhancements.*

26. During the short period of time while True Wireless is able to remain in business if the new Oklahoma map takes effect, True Wireless certainly will not be able to fund any enhancements to the products and services it currently offers.

For example, we will not be able to expand our Lifeline offerings to include wireless Internet access.

27. Likewise, True Wireless will be forced to discontinue two popular practices that enable its customers to connect and engage in the digital world: (1) we will no longer be able to offer 10 MBs of free data to affected customers; and (2) we will no longer be able to offer free smartphones to affected customers. This will not only harm True Wireless, but also low-income consumers. As the FCC noted in the Order, “[d]isconnected consumers, which are disproportionately low-income consumers, are at an increasing disadvantage as institutions and schools, and even government agencies, require Internet access for full participation in key facets of society.” Order, ¶ 4. Without these services, we “risk leaving substantial segments of the population, particularly low-income consumers, behind as it has become clear that broadband access is critical if low-income consumers are to fully participate in our society.” *Id.*

28. All of the smartphones True Wireless offers customers eligible for Tribal Lifeline Benefits are Wi-Fi enabled. This means that, today, any True Wireless customer with a smartphone can access the Internet from any public location with free Wi-Fi. Thus, not only will the Order not allow True Wireless to offer wireless broadband, it will decrease current levels of access to broadband

among True Wireless's affected customers – which is directly contrary to the Order's goal of enabling broadband access for low-income consumers.

4. *True Wireless Will Suffer Certain Harm to its Reputation and Good Will.*

29. In addition, the Order will cause immediate and irreparable harm to True Wireless's reputation and result in a substantial loss of customer good will. If True Wireless's customers are either required to pay \$25 more per month for the same level of service or if they forgo service altogether, many of these customers will very likely hold True Wireless responsible for the funding cuts.

30. As explained above, True Wireless cannot afford to subsidize the funding shortfall itself in order to ensure its customers maintain the same level of service. And decreasing the number of minutes of monthly cell phone usage that are available to our customers under their calling plans may not be an option. Rules adopted by the Oklahoma Corporation Commission require that any carriers offering Lifeline-eligible services outside of Tribal areas include a minimum of 500 minutes of local voice usage.

5. *True Wireless Will Incur Substantial Compliance Costs That Cannot Be Recouped If We Later Prevail in this Litigation.*

31. If the Oklahoma-related provisions of the Order are not stayed pending judicial review, True Wireless will be required to engage in outreach and provide advance notice to each of our approximately [START OF

CONFIDENTIAL] [REDACTED] **[END OF CONFIDENTIAL]** customers advising them of the reduction in their benefits. The estimated cost of such notices is approximately **[START OF CONFIDENTIAL]** [REDACTED] **[END OF CONFIDENTIAL]**.

32. We will also need to edit our current IT systems and software to identify whether a customer is eligible for Tribal Lifeline Benefits—at an estimated cost of **[START OF CONFIDENTIAL]** [REDACTED] **[END OF CONFIDENTIAL]**.

33. Ultimately, True Wireless's business is focused on providing essential communications services to low-income customers and particularly those customers eligible for Tribal Lifeline Benefits. The Order will irreparably damage True Wireless's ability to offer these services and, unless stayed, likely drive True Wireless out of business.

34. I have read a materially complete version of Petitioners' Motion for Partial Stay and state that the factual assertions set forth therein regarding True Wireless are true and correct to the best of my knowledge and belief.

[SIGNATURE PAGE FOLLOWS]

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I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed: October 15, 2015



Michael Fina

EXHIBIT 3

DECLARATION OF JOSEPH FERNANDEZ

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

*In the Matter of Lifeline and Link Up Reform and
Modernization; Telecommunications Carriers
Eligible for Universal Service Support; Connect
America Fund*

)
)
) WC Docket Nos. 11-42, 09-197, 10-90,
) FCC 15-71
)
)
)

DECLARATION OF JOSEPH FERNANDEZ
IN SUPPORT OF EASY TELEPHONE SERVICES COMPANY
D/B/A EASY WIRELESS
MOTION FOR A PARTIAL STAY

I, JOSEPH FERNANDEZ, declare as follows:

1. I am more than 18 years of age and am the owner and President of Easy Telephone Services Company d/b/a Easy Wireless ("Easy" or "Company").
2. I submit this declaration in support of Petitioners' motion for a partial stay of the Order of the Federal Communications Commission ("FCC") as it relates to the FCC's decision to redefine "former reservations in Oklahoma." See *In the Matter of Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, WC Docket Nos. 11-42, 09-197, 10-90, FCC 15-71 (rel. June 22, 2015) (the "Order"). Unless expressly stated, this declaration is based on my personal knowledge.

Easy's Presence in Oklahoma

3. Easy is a wireless reseller that is designated as an eligible telecommunications carrier ("ETC") to provide service in Kentucky, Missouri and Oklahoma. The Company resells

the Sprint wireless network to provide voice, text and broadband service offerings to Lifeline-eligible subscribers on Tribal lands in Oklahoma. The Company's service area covers a substantial portion of Oklahoma, including but not limited to Oklahoma City and its surrounding suburbs.

4. Easy provides Lifeline service to an estimated **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** subscribers in Oklahoma. Nearly all of Easy's subscribers receive the Tribal Lifeline benefit of \$25.00 because they reside on Tribal lands.

5. Easy currently has 32 storefront locations in Oklahoma to serve its Lifeline-eligible subscribers. There are approximately 100 employees of Easy's affiliates working at these storefront locations to serve Easy's subscribers. Additionally, the Company contracts with three master agents that provide independent contractors to conduct in-person enrollments throughout Easy's service area.

6. Easy offers several Lifeline plans in Oklahoma. Customers eligible to receive the Tribal Lifeline benefit based on their residence on Tribal lands can choose between a plan with 1000 voice minutes for \$1.00 per month, in which 1 text message equals 1 minute or 1 mb equals 5 minutes, or a plan with unlimited voice calls and unlimited text messages for \$4.95 per month. Customers eligible for the Tribal Lifeline plans also receive a free data capable smartphone while non-Tribal customers receive a talk and text phone that cannot support broadband functionality.

Easy Will Be Irreparably Harmed By the Use of the Oklahoma Historical Map

7. As a result of the Order, Easy will be irreparably harmed. Easy estimates that a minimum of **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** customers will no longer be eligible to receive the Tribal Lifeline benefit because they reside in zip codes that are outside the boundaries of the Commission's redefinition of "former reservations in

Oklahoma.” Additionally, in the absence of guidance from the FCC on the exact boundaries of the redefined “former reservations in Oklahoma,” Easy estimates that at least **BEGIN CONFIDENTIAL [REDACTED] END CONFIDENTIAL** additional subscribers may be impacted because they reside in zip codes along the boundary of the map provided in the Order. Easy estimates it will lose at least \$25 per month in revenue per customer for those customers no longer eligible for Tribal Lifeline Benefits, with a *minimum* monthly revenue reduction of **BEGIN CONFIDENTIAL [REDACTED] END CONFIDENTIAL** predicted under the new rule.

8. The customers who would no longer be eligible as a result of the redefinition of “former reservations in Oklahoma” will be transitioned to the non-Tribal benefit (\$9.25) and will no longer receive the same service package at the same rate as they have received in the past. While Easy will provide notice to these subscribers, it is likely that the subscribers will hear about the change in their Lifeline benefits and plan from Easy for the first time and will not attribute the loss of benefits to the FCC or anyone other than Easy.

9. As a result, Easy expects that it will lose as many as **BEGIN CONFIDENTIAL [REDACTED] END CONFIDENTIAL** that were enrolled in one of the Company’s Tribal Lifeline plans completely. In addition to losing \$25 per month per in revenue for each of these customers who no longer resides on Tribal lands, Easy will also lose another \$9.25 in revenue per customer for those customers who leave Easy entirely.

10. The loss of customers will directly impact a significant portion of Easy’s revenues and profits. These losses will not be recoverable.

11. As a result of the implementation of the Oklahoma Historical map, Easy also expects it will be forced to close the majority of its storefront locations. The FCC’s release of the Order has already been very disruptive to business plans in Oklahoma, and the disruption will

continue if the application of the map is not stayed. Easy's subcontractors are concerned about the application of the new map and there is considerable uncertainty as to how the FCC will proceed with its redefinition of Oklahoma Tribal lands. **BEGIN CONFIDENTIAL** [REDACTED]

[REDACTED] **END CONFIDENTIAL** Easy expects that at least **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** additional storefront locations will be forced to close should the Order take effect. These reductions will directly impact Easy since the company's retention efforts are premised on providing excellent customer services, as Easy's primary method of providing customer service is through conveniently located storefronts.

12. Easy, through its subcontractors and vendors, has also made considerable investments in storefronts located in areas that have been re-designated as non-Tribal in the Order. These investments include a number of long-term leases, some of which required substantial tenant improvements, hiring and training a significant number of employees and agents, and conducting a considerable amount of market research and marketing. Easy expects to lose a significant portion of these investments and estimates it could lose up to **BEGIN CONFIDENTIAL** [REDACTED] **END CONFIDENTIAL** as a result of the Order.

13. Easy expects to reduce its number of employees of its affiliates who service Easy's customers by at least **BEGIN CONFIDENTIAL** [REDACTED]

[REDACTED] **END CONFIDENTIAL**

14. Easy expects that the reduction in revenue resulting from the Order will cause a direct reduction of resources available for customer service efforts. This includes a decrease in

the number of call center customer service representatives, resulting in longer wait times and a lower quality of service for Easy's subscribers. Easy's customer retention is dependent on having a superior level of customer service. These changes are likely to decrease customer satisfaction and substantially and irreversibly harm Easy's relationships with new and potential customers.

15. Easy has spent several years building business relationships and goodwill in the Oklahoma marketplace through its customer outreach and dedication to customer service. As a result of these efforts, Easy has become a leading provider of Lifeline services in the state. Easy will suffer irreparable harm because it will lose a significant amount of goodwill from the thousands of customers who will see their benefits decreased because of the implementation of the FCC's redefinition of "former reservations in Oklahoma."

16. Once Easy notifies the impacted customers and changes their plans, Easy also expects a high volume of customer inquiries and complaints related to the change. It is likely that most customers are unaware of the Order at this time. They will likely call an Easy call center or visit a store to complain about their service changes. Many of Easy's subscribers are active on social media and may use these methods to publicly disparage the company. Because virtually all of Oklahoma has been considered Tribal lands, it will be very difficult to explain to customers why they are suddenly, through no action on their part, no longer eligible to receive the Tribal Lifeline benefit. This issue will be felt most acutely in newly designated non-Tribal areas along the new boundaries where Easy will need to explain to customers why they are no longer eligible for the Tribal Lifeline benefit while a neighbor or friend across town still receives it.

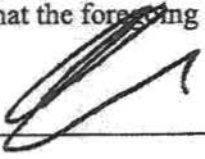
17. The Order will also negatively impact Easy because of the costs associated with implementing the new Tribal lands map. Easy will be required to implement a new process into its enrollments to identify customers residing within and outside of newly defined Tribal lands. Easy will incur training costs to implement the new process with employees and agents.

18. In response to a Notice of Inquiry from the Oklahoma Corporation Commission, Easy has set forth the difficulties entailed with transitioning its customers in the time remaining before the implementation of the Order. *See In Re Inquiry of the Oklahoma Corporation Commission to Identify and Resolve Issues Related to the Federal Communications Commission Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, as it Affects the Requirements Associated with the Provision of Lifeline Service in Oklahoma, Comments of Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless*, Notice of Inquiry, Cause No. PUD 201500350, 5-7 (Oct. 12, 2015), attached hereto as Exhibit A.

19. Easy is waiting on the FCC to release a digital version of the new Tribal lands map which contains the official boundaries. Only then will it be able to develop an interactive mapping tool that will be used to identify subscribers that are currently in Tribal lands but will no longer be eligible for the Tribal Lifeline benefit. This process will involve a time-intensive and costly manual review. These costs, too, will not be recoverable.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States of America that the foregoing statements are true and correct.



Joseph Fernandez

October 16, 2015

REDACTED - FOR PUBLIC INSPECTION

EXHIBIT A

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

IN RE: INQUIRY OF THE OKLAHOMA)
CORPORATION COMMISSION TO)
IDENTIFY AND RESOLVE ISSUES RELATED)
TO THE FEDERAL COMMUNICATIONS)
COMMISSION SECOND FURTHER NOTICE)
OF PROPOSED RULEMAKING, ORDER ON)
RECONSIDERATION, SECOND REPORT)
AND ORDER, AND MEMORANDUM OPINION)
AND ORDER, AS IT AFFECTS THE)
REQUIREMENTS ASSOCIATED WITH THE)
PROVISION OF LIFELINE SERVICE IN)
OKLAHOMA)

CAUSE NO. PUD 201500350

FILED
OCT 12 2015

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

**COMMENTS OF ASSIST WIRELESS, LLC AND EASY
TELEPHONE SERVICES COMPANY D/B/A EASY WIRELESS**

COME NOW Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless (hereinafter collectively, "Wireless ETCs") and hereby submit their comments with regard to the Notice of Inquiry ("NOI") opened by the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("Commission") to identify and resolve issues affecting the offering of Lifeline Service in Oklahoma resulting from the June 2015 decision by the Federal Communications Commission ("FCC") to re-define Oklahoma Tribal lands by adopting a different Tribal lands map, namely the Oklahoma Historical Map.¹ Wireless ETCs are each providers of wireless telecommunications services to the public, including Lifeline services, and have each been designated by the Commission as wireless Eligible Telecommunications Carriers ("ETCs").

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization, et al.*, WC Docket 11-42, et al., *Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order*, FCC 15-71, Appendix E (rel. June 22, 2015) (Second FNPRM).

With regard to the issues identified by the PUD in the NOI, Wireless ETCs provide the following information and comments.

1. An Electronic Version of the New Map Is Essential for Implementation

Wireless ETCs and the PUD appear to be in agreement on the following: (1) a digital version of the adopted map (i.e., a .shp file that can developed into a mapping tool) is essential to implementing the map selected by the FCC to re-define Tribal lands; (2) the FCC must suspend and/or extend the 180-day transition period so that the stakeholders can work with vendors to incorporate a .shp file into a mapping tool, apply it to current subscribers and provide advance notice to affected consumers; (3) the 180-day transition period should be suspended and/or extended to allow for a Tribal consultation to be concluded; (4) partial implementation of the new map and its boundaries (i.e., for areas such as down-town Oklahoma City that are clearly outside the Tribal areas delineated by the new map) would be discriminatory and would create unnecessary consumer confusion and backlash that would be detrimental to all stakeholders and the Lifeline program itself.

Wireless ETCs understand that the FCC is working on a .shp file that represents an official interpretation of the boundaries depicted in the Oklahoma Historical Map (which are not clear on the map or the written description). Accordingly, it makes little sense to do anything other than wait for that guidance from the FCC. The FCC did not adopt the IRS map or any other alternative map. Although the Oklahoma Department of Transportation ("ODOT") map of Tribal Jurisdictions in Oklahoma appears to be the alternative that most closely matches the Oklahoma Historical Map, Wireless ETCs are opposed to using any map other than the one the FCC adopted to determine eligibility for

enhanced Lifeline benefits in Oklahoma. Should the Commission desire to proceed by utilizing another map, Wireless ETCs respectfully request that the Commission petition the FCC for permission prior to taking further action. Without FCC approval, Wireless ETCs would be exposed to an unfair risk of enforcement by the FCC and enhanced Lifeline eligible consumers in Oklahoma would be exposed to an unfair risk of having their benefits denied.

2. Reasonable Notice Should Be Provided to New and Existing Consumers

The current lack of clarity with respect to both the finality and the borders of the new map, makes plain that it is too early to start notifying existing (or new) customers. Providing notice before there is a clarity on these issues only would add to the current state of confusion. Wireless ETCs support providing affected consumers with advanced notice that is reasonable and submit that such reasonable notice should consist of two notices approximately 60 and 30 days in advance of the transition to a non-Tribal benefit (given the logistical challenges involved and the condensed transition period we are now facing, perfect implementation should be neither expected nor required). Assuming the February 9, 2016, transition date remains in place, ETCs would start notifying existing customers in December 2015, depending on how the ETC provides benefits – December 11, 2015 (if minutes are loaded on the customer's monthly anniversary) or January 1, 2016 (if minutes are loaded on the first of the month).

Wireless ETCs submit that ETCs should be permitted to provide the notice in a manner that is likely to be effective and without imposing unnecessary costs on ETCs. Wireless ETCs likely will use text messaging for these notices, as it is the most effective means of communicating with their subscribers. Wireless ETCs would oppose a

requirement to provide notice via U.S. Mail, as this delivery method is more expensive and less effective than text messaging.

For new subscribers enrolled within the 60-day notice period that reside in a location that is currently eligible for the enhanced Lifeline benefit but will no longer be eligible under the new map, ETCs would provide notice to these new subscribers at the point of enrollment and then again at 30 days, if applicable.

Wireless ETCs propose that such notices inform affected subscribers that as of February 9, 2016 they no longer will be eligible for the enhanced Lifeline benefit (up to \$25.00) and will be converted to the standard Lifeline benefit (\$9.25). Effective February 9, 2016, subscribers who are no longer eligible to receive the enhance Lifeline benefit will have several options, which are likely to include plans that provide the same level of service for an increased price (\$25 more) and plans that offer a reduced level of service at the same price-point (e.g., \$4.95, \$1, free). Additional plans may also be available. To the extent ETCs need to change their Lifeline service plans to facilitate the transition, including the addition of 250 minutes plus 250 text offerings for non-Tribal areas, the Commission already has rules and a process in place for ETCs to submit Lifeline plan changes to PUD for review and approval. Wireless ETCs submit that this process should remain the same.

3. Current Benefit Porting and De-Enrollment Processes Cannot and Should Not Be Adjusted for the Purpose of Implementing the New Map

The current benefit transfer process and de-enroll/re-enroll process cannot and should not be adjusted for this Oklahoma-specific transition. Benefit transfers are completed automatically through NLAD in cases where the subscriber is eligible to port. The NLAD's 60-day benefit port freeze is an effective control on waste, fraud and

abuse.² If a subscriber is not eligible for a benefit transfer, that subscriber can contact its current ETC to de-enroll. Once de-enrolled in the NLAD, the subscriber may re-enroll with the ETC of his or her choice. The current process permits consumers to de-enroll at any time, for any reason, and is sufficient to meet the needs of affected consumers.

4. Even the Most Ambitious Timeline for Implementing the New Map Indicates that the Transition Period Needs to Be Suspended or Extended

Wireless ETCs had previously advised the FCC that a *minimum* of 180 days would be necessary for ETCs and consumers to transition to a new definition of Tribal lands in Oklahoma.³ The transition was intended for ETCs and consumers – not the FCC. More than two months into the transition period, Wireless ETCs, Tribal Nations and the PUD still lack clarity and guidance with respect to the boundaries included in the Oklahoma Historical Map – and have no idea whether the adopted map will “stick” or whether it will be set aside as a result of the after-the-fact “consultation” the FCC has

² In the Second FNPRM proceeding, several Wireless ETCs proposed to extend the benefit port freeze from 60 days to 12 months. They noted that “[e]xtending the benefit port freeze will have a number of important benefits that satisfy core Commission and commenter objectives, including: (1) promoting even more innovative handset and service offerings; (2) reducing the perception of waste, fraud and abuse in the program; and (3) promoting comparability of service between Lifeline and non-Lifeline services.” See Reply Comments of Lifeline Joint Commenters on the Second Further Notice of Proposed Rulemaking to Modernize and Restructure the Lifeline Program, WC Docket No. 11-42 *et al.*, 22-24 (filed Sept. 30, 2015); see also Comments of Joint Commenters at 16-17 (filed Aug. 31, 2015).

³ See Second FNPRM n. 536, citing Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless Ex Parte letter arguing that *at a minimum* the Commission should consider adopting a 180-day transition period. See Assist Wireless, LLC and Easy Telephone Services Company d/b/a Easy Wireless Ex Parte, WC Docket Nos. 11-42, 03-109 and 09-197, 2 (June 11, 2015)(emphasis added).

attempted to conduct (to the disdain of Tribal Nations) or the appeal of the FCC's decision to the U.S. Court of Appeals for the District of Columbia Circuit.⁴

In the absence of rational relief being provided, Wireless ETCs respectfully submit that they are prepared to use good faith efforts to engage in rushed and extraordinary efforts to implement the new map. Even rushed efforts require a minimum of 4 months – and regulators should be prepared to accept, as is reasonable, implementation that may be far from perfect (the potential for mistakes will rise significantly, if this has to be done “fire-drill” style).

It is important for the Commission to understand the timing necessary for implementing the new map, under a “fire drill” scenario. Counting back from the February 9, 2016, transition deadline, the 4-month period would need to commence *today*. That means that unless the FCC makes its .shp digital rendering of the Oklahoma Historical Map publically available by *today*, the only possible remaining means of implementing the FCC's new definition of Tribal lands in Oklahoma involves denying consumers reasonable notice (as explained above, Wireless ETCs submit that this would involve notice roughly 60 and 30 days in advance). Wireless ETCs oppose denying their subscribers reasonable notice of the (still yet to be determined) impact of the FCC's decision.

The expected 4-month process is as follows:

October 12, 2015 – CGM needs to receive .shp file to begin development of mapping tool and process for ETCs to implement transition

⁴ See Petition for Review, *Assist Wireless, LLC, et al. v. FCC, et al.*, No. 15-1322 (D.C. Cir. Sept. 11, 2015).

November 11, 2015 – ETCs receive mapping tool from CGM and receive 30 day period to work with mapping tool to manually review subscriber addresses to identify subscribers affected by the FCC's redefinition of Tribal lands

December 11, 2015* – 60 day notice is provided to affected subscribers

January 10, 2016* – 30 day notice is provided to affected subscribers

February 9, 2016 – Affected subscribers are transitioned from Tribal benefit to standard benefit

- *Dates and 60/30 day notice periods are approximate; dates of notice may vary slightly from provider to provider based on a number of operational and logistical factors.*

As noted above, the 4-month period begins when the FCC releases a .shp file or similar digital version of the Oklahoma Historical Map. Once the file is available, CGM will require 30 days to develop an interactive mapping tool, and test the tool's accuracy and workability. This process will require reviewing and identifying each Zip code in Oklahoma as 100 percent Tribal lands, 100 percent non-Tribal lands and partial Zip codes, in which a portion is Tribal lands and a portion is not. A further complicating factor for implementation is that many ETCs in Oklahoma, like Assist and Easy, already use mapping tools to identify addresses in that are within and outside of their authorized service areas. CGM will need to layer in the new Tribal and non-Tribal boundaries to work concurrently with the existing mapping tools so that ETCs can identify whether a subscriber is within that ETC's authorized service area; and whether the subscriber resides in an area that is designated Tribal lands. For each address located in a partial ZIP code, the address must be manually entered into the mapping tool and reviewed to determine if the address falls inside or outside the boundaries.

Once the mapping tool is developed and tested, the ETCs will need *at least* 30 days to work with the tool to identify subscribers affected by the redefinition of Tribal lands. This will require manual review of a substantial number of individual subscriber address locations. Once the affected subscribers have been identified, Wireless ETCs will then need to coordinate and implement reasonable notice.

The Wireless ETCs reserve the right to add to, delete, modify or supplement these comments as additional information is presented throughout this NOI.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. David Jacobson', written over a horizontal line.

J. David Jacobson
JACOBSON & LAASCH
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Email: jdj8788@aol.com

*Attorney for Assist Wireless, LLC and Easy
Telephone Services Company d/b/a Easy
Wireless*

CERTIFICATE OF MAILING

On this 12th day of October, 2015, a true and correct copy of the foregoing was mailed, e-mailed or hand-delivered to the following:

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J. David Jacobson

EXHIBIT 4

DECLARATION OF DALE SCHMICK